In the claims:

1. (currently amended) A method for use by a wireless device in a wireless communications environment, the method comprising the steps of:

associating the wireless device with a current access point ~~on a first channel~~;

ascertaining, by the wireless device, whether the wireless device should attempt to associate with an alternative access point ~~operating on a second channel~~, the ascertaining including calculating an indication of ~~available data rate based at least in part on~~ whether the alternative access point is preferable as a function of:

distance to ~~signal strength of transmissions from~~ the alternative access point, and ~~at least in part on~~

load on ~~technology supported by~~ the alternative access point, and

available data rate from the alternative access point; and

requesting association with the alternative access point if it is ascertained that ~~the wireless device should attempt to associate with~~ said alternative access point is preferable.

2. (previously presented) The method of claim 1 further comprising the step of:

automatically collecting, by the wireless device, information about alternative access points operating on other channels.

3. (currently amended) The method of claim 2 wherein the step of ascertaining further includes the step of determining that the wireless device should attempt to associate with the alternative access point ~~operating on said second channel~~ if the alternative access point ~~on said second~~

~~channel~~ has a lower biased distance relative to the wireless device ~~greater indicated available data rate~~ than the current access point.

4. (currently amended) The method of claim 3 wherein the step of ascertaining further includes the step of calculating that the alternative access point ~~on said second channel~~ has a greater indicated available data rate than the current access point by:

calculating a first biased distance between the wireless device and the current access point based on "x" samples, where "x" is a real number;

calculating a second biased distance between the wireless device and the alternative access point operating on said second channel based on "y" samples where "y" is less than "x," and where "y" is a real number; and

ascertaining that the alternative access point ~~operating on said second channel~~ has a greater indicated available data rate than the current access point if the second biased distance is less than the first biased distance.

5. (currently amended) The method of claim 3 wherein the step of requesting association requests association by sending a message to the alternative access point operating ~~on said second channel~~.

6. (withdrawn) A method for use by a wireless device in a wireless communications environment, the method comprising the steps of:

associating the wireless device with a first access point on a first channel;

determining, by the wireless device, whether a second access point would provide a better data rate than the first access point; and

requesting, by the wireless device, association with the second access point if it is determined that the second access point would provide a greater data rate than the first access point.

7. (withdrawn) The method of claim 6 wherein the second access point operates on the first channel.

8. (withdrawn) The method of claim 6 wherein the second access point operates on a second channel.

9. (withdrawn) The method of claim 6 wherein the determining step is based at least in-part on signal strength of transmissions from the first and second access points.

10. (withdrawn) The method of claim 6 wherein the determining step is based at least in-part on an indication of loading advertised by the first and second access points.

11. (New) The method of claim 1 including the further step of calculating distance to the alternative access point as a function of: (a) signal strength of at least one communication received from the alternative access point; and (b) an indication of attenuation of transmission power by the access point below maximum potential transmit power.

12. (New) The method of claim 1 including the further step of calculating the data rate available from the alternative access point as a function of: (a) signal strength of at least one communication received from the alternative access point; and (b) communication protocol mode supported by the alternative access point.